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## MEMO ENDORSED

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June 11, 2020

### VIA ECF

The Honorable Paul G. Gardephe  
United States District Judge  
United States District Court, Southern District of New York  
40 Foley Square  
New York, New York 10007

Application Granted. The action is STAYED pending the Second Circuit's review of related cases. Parties shall file a status letter within **seven (7) days** of the Second Circuit's decision. SO ORDERED.

Ona T. Wang 6/12/2020  
U.S.M.J.

**Re: Marcos Calcano v. TGI Friday's Inc.**  
**Case No. 19-cv-10054-PGG-OTW**

Dear Judge Gardephe:

This firm represents Defendant, TGI Friday's Inc., in the above-referenced matter. We write, with Plaintiff's consent, to respectfully request a stay of the proceedings in this action, pending the ruling of the Second Circuit Court of Appeals' review of rulings on nearly-identical motions to dismiss.

By way of brief background, within the last month, courts in the Southern District of New York have granted motions to dismiss other gift card cases involving substantially identical complaints. (*See Yovanny Dominguez v. Banana Republic, LLC, U.S.D.C. S.D.N.Y. Case No. 1:19-cv-10171 (GHW) ("Banana Republic")*; *James Murphy v. Kohl's Department Stores, Inc., U.S.D.C. S.D.N.Y. Case No. 1:19-09921 (GHW) ("Kohl's")*). Plaintiffs in those cases exercised their right to appeal from those rulings, and the Second Circuit has recently ordered an expedited briefing schedule in certain of those cases, indicating some intention that the Second Circuit intends to address the same issues at the core of the pending motion to dismiss. Although we understand that the plaintiffs/appellants in those cases intend to ask the Second Circuit to consolidate those appeals and withdraw the expedited briefing schedules, the Second Circuit's intent to rule on these same issues is inevitable and possibly imminent.

As a result, Defendant seeks, with Plaintiff's consent, a comprehensive stay of the proceedings in this action pending the Second Circuit's rulings on the appeals. A stay would conserve judicial resources and permit this Court to proceed at a future date with the benefit of guidance from the Court of Appeals.

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

JACKSON LEWIS P.C.

By: /s/ Joseph J. Lynett  
Joseph J. Lynett